

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING: September 17, 1969

Appeal No. 10181 Shell Oil Company, Appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of October 21, 1969.

EFFECTIVE DATE OF ORDER: December 9, 1971

ORDERED:

That the appeal for permission to establish a gasoline station be GRANTED; but that the requested variance from the 25-foot setback requirement of Section 7404.14 at 1301 Good Hope Road, S.E., lots 286, 808-811 and 814, Square 57~~60~~ be DENIED.

FINDINGS OF FACT:

1. The subject property is located in a C-2 District.
2. Appellant proposes to establish a gasoline station on the southeast corner of Good Hope Road and 13th Street, S.E.
3. Appellant alleges that the subject property cannot be used for a modern gasoline service station facility without the ability to use eight feet of the setback area. Consequently, appellant requests a variance from the 25-foot setback requirement.
4. The appellant contends that by reducing all the space demands for pump islands, buildings and parking an efficient facility could be established with the minimum use of setback area requested in this application.
5. Development of the property is limited by adverse adjoining ownership to the east and the fixed zoning boundary line to the south.
6. The appellant plans that the main building will be 42 feet from the residential district. Additionally, the southeast corner of the property adjoining the residential property now used for a day nursery is screened and because of the change in elevation of this corner of the property, a masonry retaining wall approximately four feet high will be built at this location, protecting the adjacent residential property.

OPINION:

We are of the opinion that the establishment of this gasoline service station at this location will not create dangerous and otherwise objectionable traffic conditions and that the station will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use

of neighboring property. This Order shall be subject to the following conditions:

- a. Any lighting used to illuminate the gasoline station will be so arranged that all direct rays of light are confined to the area of the site.
- b. No vehicular entrance or exit to the service station and no part of the service station itself shall be within 25 feet of a residential district.
- c. No entrance or exit driveways shall be closer than 25 feet to a street intersection as measured from the intersection of the curb lines extended.
- d. All grease pits or hoists hereafter constructed or established as part of the gasoline service station shall be within a building.
- e. The coping shall be located on the property line and the inside driveway radii shall not be located within the sidewalk area.

Permit shall not issue until all conditions of this Order are met and complied with and further, the Board reserves the right to direct revocation of permit upon proper showing that any terms or conditions of this Order have been violated.

The Board is of the opinion that the appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested variance will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner. Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT:

ATTESTED:

By: _____

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.